

2009 SENATE BILL 46

February 5, 2009 – Introduced by Senators HANSEN, WIRCH, LEHMAN, VINEHOUT, COGGS and ERPENBACH, cosponsored by Representatives SOLETSKI and BERCEAU. Referred to Committee on Labor, Elections and Urban Affairs.

- 1 **AN ACT** *to create* 111.70 (3) (a) 8. and 9. and 111.70 (3) (b) 7. of the statutes;
2 **relating to:** arbitration and fair-share agreements during collective
3 bargaining negotiations under the Municipal Employment Relations Act.

Analysis by the Legislative Reference Bureau

Under the Municipal Employment Relations Act (MERA), during contract negotiations (contract hiatus) an employer must maintain the status quo with respect to wages, hours, and conditions of employment (mandatory subjects of bargaining). Any unilateral change in a mandatory subject of bargaining during a contract hiatus breaches the employer's duty to bargain collectively. The maintenance of the status quo during a contract hiatus does not extend to the obligation to arbitrate grievances or to honor fair-share agreements.

This bill makes it a prohibited practice under MERA for an employer or an employee to end any grievance arbitration agreement during a contract hiatus and for an employer to end any fair-share agreement during a contract hiatus.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 111.70 (3) (a) 8. and 9. of the statutes are created to read:

SECTION 1

111.70 (3) (a) 8. After a collective bargaining agreement expires and before another collective bargaining agreement takes effect, to fail to follow any grievance arbitration agreement in the expired collective bargaining agreement.

9. After a collective bargaining agreement expires and before another collective bargaining agreement takes effect, to fail to follow any fair-share agreement in the expired collective bargaining agreement.

SECTION 2. 111.70 (3) (b) 7. of the statutes is created to read:

111.70 (3) (b) 7. After a collective bargaining agreement expires and before another collective bargaining agreement takes effect, to fail to follow any grievance arbitration agreement in the expired collective bargaining agreement.

(END)